

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

9	ERNEST MERRILL, et al.,	) 1:05-cv-00195-AWI-SMS
)
10	Plaintiffs,	) ORDER VACATING HEARING ON
		) PLAINTIFFS' MOTION TO JOIN
11	v.	) PARTIES, PERMIT A SUPPLEMENTAL
		) PLEADING ALLEGING A COUNTERCLAIM,
12	COUNTY OF MADERA, et al.,	) IMPEAD THIRD PARTIES, AND FOR
		) MANDATORY JOINDER (DOCS. 18, 34)
13	Defendants.)
		) ORDER DEEMING MOTIONS SUBMITTED
14	COUNTY OF MADERA,	) TO THE COURT FOR DECISION
)
15	Counter-Claimant,	) Vacated hearing Date and Time:
		) November 4, 2005, at 9:30 a.m.
16	v.)
)
17	ERNEST MERRILL, et al.,)
)
18	Counter-Defendants.))
)
19)

On May 25, 2005, Plaintiffs filed motions to consolidate actions, join third parties, allow a supplemental pleading, allege a counterclaim, and for compulsory joinder. Third parties filed opposition. Defendant and Counter-claimant County of Madera neither filed opposition nor filed a notice of non-opposition.

Pursuant to Rule 78-230(h) of the Local Rules of Practice for the United States District Court, Eastern District of California, the Court finds that the Plaintiffs' motions are

1 matters that may appropriately be submitted upon the record and
2 briefs, including the Plaintiffs' motion and supplement thereto,
3 and third parties' opposition and supplemental opposition.

4 Accordingly, the hearing on the motion, presently set for
5 November 4, 2005, IS VACATED, and the motion IS DEEMED SUBMITTED
6 to the Court for decision.

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8 IT IS SO ORDERED.

9 **Dated: October 31, 2005**
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE